



UPSHUR COUNTY COMMISSIONERS COURT
GILMER, TEXAS

April 16, 1979

Commissioners Court met in Special Session with all members present.

Judge Dean read the minutes for April 9, 1979. Motion was made by J.W. Meadows, seconded by Bernice Nobles to approve the minutes as read. Motion carried.

Motion was made by Floyd Drennan, seconded by Charles Still, to adopt an order approving and authorizing the giving of notice of intention to issue certain indebtedness and to incur claims and accounts. Motion carried. (Copy att.)

A special road use agreement contract was submitted by Lee Ray, Inc., for the use of a portion of Upshur County roads located in Precinct No. 3, Red Maple Road. Motion was made by Charles Still and seconded by Floyd Drennan to approve this agreement. Motion carried. (Copy att.)

Motion made by Charles Still, seconded by Floyd Drennan, to approve a permit application by Mrs. D. Beck to place a culvert within the ROW of County Road, White Oak Road. Motion carried. (Copy att.)

J.W. Meadows made a motion, seconded by Floyd Drennan for the courthouse lawn to be used for the Boy Scouts Fair May 12, 1979. Motion carried.

J.W. Meadows made a motion, seconded by Bernice Nobles, to approve all unpaid bills. Motion carried.

Motion to adjourn was made by Floyd Drennan and seconded by Charles Still.

Lawrence Dean

J.W. Meadows

Bernice Nobles

C.L. Still

Floyd Drennan

MINUTES RELATING TO ORDER APPROVING AND AUTHORIZING THE GIVING OF NOTICE OF INTENTION TO ISSUE CERTAIN INDEBTEDNESS AND TO INCUR CLAIMS AND ACCOUNTS

THE STATE OF TEXAS §
COUNTY OF UPSHUR §

ON THIS the 16th day of April, 1979, the Commissioners' Court of Upshur County, Texas, convened in special session at the regular meeting place thereof in the Courthouse at Gilmer, Texas, the meeting being open to the public, and notice of said meeting having been given as prescribed by Article 6252-17, Section 3A, V.A.T.C.S., with the following members of said Court being present and in attendance, to wit:

- EVERETT DEAN COUNTY JUDGE
MRS. OFFIE NOBLES COMMISSIONER, PRECINCT 1
J. W. MEADOWS COMMISSIONER, PRECINCT 2
CHARLES STILL COMMISSIONER, PRECINCT 3
FLOYD DRENNAN COMMISSIONER, PRECINCT 4

and with the following absent: [Name], constituting a quorum; and among other business considered at said meeting, an order was submitted to the Commissioners' Court for passage, such order being entitled as follows:

"AN ORDER by the Commissioners' Court of Upshur County, Texas, authorizing and directing the County Judge to give notice of the County's intention to issue certain obligations and of the intention to incur claims and accounts to represent an undivided interest therein; and making certain findings in connection therewith."

The order was read in full. Thereupon, Commissioner [Name] made a motion that the order be passed finally. The motion was seconded by Commissioner [Name] and carried by the following vote.

- AYES: County Judge Dean and Commissioners Nobles, Meadows, Still and Drennan.
NOES: None.

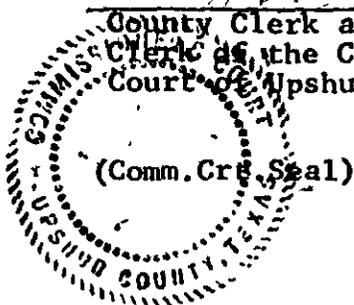
The Presiding Officer then announced that the order had been finally passed and adopted.

MINUTES APPROVED, this the 16th day of April, 1979.

[Signature]
County Judge, Upshur County, Texas

ATTEST:

County Clerk and Ex-Officio
Clerk of the Commissioners'
Court of Upshur County, Texas



AN ORDER by the Commissioners' Court of Upshur County, Texas, authorizing and directing the County Judge to give notice of the County's intention to issue certain obligations and of the intention to incur claims and accounts to represent an undivided interest therein; and making certain findings in connection therewith.

WHEREAS, it has been determined that certain road improvements should be undertaken and materials, supplies and equipment purchased and that the same should be financed by the issuance of interest bearing obligations; and

WHEREAS, it is now proper for this governing body to give notice of its intention to issue such obligations; therefore,

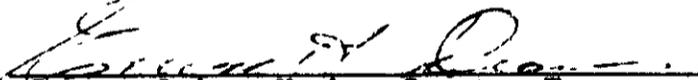
BE IT ORDERED BY THE COMMISSIONERS' COURT OF UPSHUR COUNTY, TEXAS:

SECTION 1: That the County Judge of this County is hereby authorized and directed to give notice of the County's intention to issue certificates of indebtedness for the purposes set forth in the notice (the form of which is prescribed by this order) and of the intention of the County to incur claims and accounts representing an undivided interest therein.

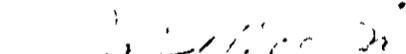
SECTION 2: The notice to be issued and published shall be in the form attached hereto (as Exhibit A) and made a part of this order for all purposes. The notice shall be published in a newspaper of general circulation in this County once a week for two consecutive weeks, the date of the first publication to be at least fourteen (14) full days prior to the date set therein for the passage of the order authorizing the said certificates.

SECTION 3: Further orders are reserved until such notice has been issued and published as required by law.

PASSED AND APPROVED, this the 16th day of April, 1979.


County Judge, Upshur County, Texas

ATTEST:


County Clerk and Ex-Officio
Clerk of the Commissioners'
Court of Upshur County, Texas

(Comm. Ct. Seal)

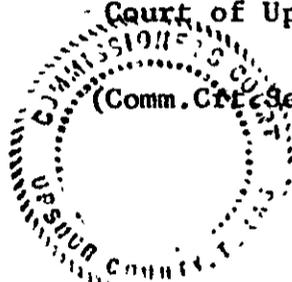


EXHIBIT "A"

Notice of Intention of Upshur County, Texas, to
issue certain indebtedness and of the intention
of the County to incur claims and accounts.

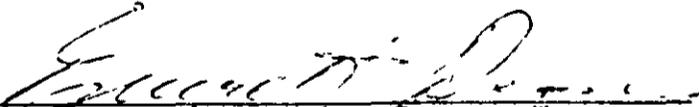
Notice is hereby given that on the 14th day of May, 1979, at 10:00 o'clock A.M., the governing body of Upshur County, Texas, proposes to convene at its regular meeting place, at the Courthouse in Gilmer, Texas, and at that time and place proposes to authorize the issuance of \$500,000 in principal amount of indebtedness (to be called Certificates of Obligation) which will not be payable from current funds, but which shall be payable from ad valorem taxes levied and to be levied for the payment of the principal of the obligations and the interest thereon.

The obligations to be authorized shall precede the execution of the contract or contracts (when the contract is required to be in writing), which are to be paid through the issuance and delivery thereof, but no contract shall be made payable therefrom, or from claims and accounts incurred, unless (1) competitive bids have been received and the contract awarded to the lowest and best bidder or (2) the contract is not required to be let upon competitive bids by the provisions of applicable law.

The obligations shall be authorized for the purpose of paying all or a part of the contractual obligations to be incurred for the construction of public works (the construction and reconstruction of county roads and bridges) and for the purchase of materials, supplies, equipment and machinery and for the acquisition of land and rights-of-way for county roads. The Certificates shall mature not later than May 31, 2019.

Upon the authorization of the said obligations, the governing body of the County may provide that claims and accounts may be (1) incurred to represent an undivided interest in the obligations simultaneously authorized and (2) funded or exchanged for a like principal amount of such obligations, with any other in excess of the principal amount of certificates so exchanged or delivered at any one time to be (a) paid in cash or (b) carried forward to a subsequent exchange of claims and accounts for such obligations.

This notice is issued and caused to be published by reason of the adoption of an order by the governing body of Upshur County, Texas, and as provided by Article 2368a.1, V.A.T.C.S.


County Judge, Upshur County, Texas

SPECIAL ROAD USE AGREEMENT CONTRACT

THE STATE OF TEXAS |
COUNTY OF UPSHUR | KNOW ALL MEN BY THESE PRESENTS

The undersigned, Lee Ray, Inc.,
hereinafter referred to as First Party, enters into and makes
an agreement with Upshur County Commissioner of Precinct No. 3,
Upshur County, Texas, and in order to get material to market
it is necessary to use a portion of Upshur County roads located
in Precinct No. 3, over which Commissioner has jurisdiction
and obligation to maintain in good repair and both parties
being aware of possible damage to said roads as a result of
hauling on and over same enter into the following agreement.

1.

First Party agrees to use only that section of
(describe road) Red Maple Road (Elam Springs)

2.

First Party agrees to use its vehicles in such a
manner as not to block or interfere with other traffic on said
road so that said road will be open to travel by the public
at all times.

3.

First Party agrees to grade, maintain and otherwise
repair said road using its own equipment, labor and materials,
if any needed, during the duration of time that First Party
is removing gravel hauling from its lands located
in Precinct No. 3, Upshur County.

4.

First Party agrees to put said road back into the
same condition as it was prior to the commencement of hauling
operations on the part of First Party.

5.

First Party agrees to post surety bond in the amount of _____ to Upshur County Commissioners Court to insure performance of agreement.*

First Party agrees to furnish proof of liability insurance with _____ to the Commissioners Court of Upshur County.*
(Name of Insurance company)

6.

Nothing herein shall be construed as a waiver by the Commissioner of the authority granted him by Article 6716, V.A.C.S., but the rights and authority granted the Commissioner by the terms of Article 6716, V.A.C.S. are expressly reserved by the Commissioner in the event First Party fails to abide by the conditions above set forth.

WITNESS our hands this the 10 day of April, A.D. 19 79.

Nick Winkler
FIRST PARTY Lee Ray, Inc.
Box 174, Winnsboro, Texas
75494

Ernest D. Dean
COUNTY JUDGE

Bernice Nohles
COMMISSIONER #1

Joe Meadows
COMMISSIONER #2

Chas. L. Still
COMMISSIONER #3

Wayne D. Dorman
COMMISSIONER #4

* Strike if not applicable

PERMIT APPLICATION FOR
USE OF UPSHUR COUNTY RIGHT OF WAY

Date April 9, 1979

TO: THE UPSHUR COUNTY COMMISSIONERS COURT
COUNTY OF UPSHUR
GITMER, TEXAS

Formal notice is hereby given that Mrs. D. Beck
whose principal address is P. O. Box 775, Big Sandy, Texas 75755
does propose to place a culvert
within the ROW of County Road White Oak Road
as follows:

The location and description of the proposed lines or
improvements is more fully shown by three (3) copies of
drawings attached to this application.

All work will be as directed by the County Commissioner or
his designate in full accordance with Upshur County Road &
Bridge Department policies and specifications.

Proposed construction will begin, if approved, on or after
_____ day of _____, 19__.

FIRM: Mrs. D. Beck
TITLE: By Jack Knight
ADDRESS: _____

ap Proud
4-16-79

GENERAL FUND

<u>Claim No.</u>	<u>Pay to:</u>	<u>Classification</u>	<u>Amount</u>
380	Postmaster	Supplies	15.00
381	Roberts, Harbour, Smith, Harris, French & Ritter	Services & Charges	8.00
382	First National Bank	Debt Service	34.14
383	Farmers & Merchants Bank	Debt Service	203.55
384	United Parcel Service	Supplies	4.56
385	Upshur County Child Welfare Board	Services & Charges	1,500.00
386	Elmer Easterly	Services & Charges	5.00
387	Jerry Loyd	Services & Charges	5.00
388	Burnice Ashbrook	Supplies - 49.09	58.09
-	-	Services & Charges - 9.00	-
389	James Beasley	Services & Charges	7.28
390	Marion County	Salaries	65.60
391	General Telephone	Services & Charges	631.17
		TOTAL	<u>2,537.39</u>

ROAD & BRIDGE #1

105	First National Bank	Purchase of C.D.	35,000.00
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ROAD & BRIDGE #2

143	First National Bank	Purchase of C.D.	50,000.00
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ROAD & BRIDGE #3

110	First National Bank	Purchase of C.D.	12,000.00
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ROAD & BRIDGE #4

133	First National Bank	Purchase of C.D.	15,000.00
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REVENUE SHARING

42	First National Bank	Debt Service	6,000.00
43	Farmers & Merchants Bank	Debt Service	1,000.00
44	First National Bank	Purchase of C.D.	20,000.00
		TOTAL	<u>27,000.00</u>

SALARY FUND

46	Metropolitan Life Insurance	Insurance	3,669.27
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ROW FUND

- First National Bank Security Purchase 10,000.00

LEOS&E FUND

- Bob Bullock - Compt. of Pubi. Acct Quarterly Report 889.20
- General Fund Service Fee 46.80

TOTAL 936.00

LONGVIEW
BANK & TRUST
LONGVIEW, TEXAS 75601

LAWYERS TITLE AGENCY OF GREGG CO.
422 NORTH GREEN 757-5116
LONGVIEW, TEXAS 75601

618

PAY
TO THE
ORDER OF

County Clerk, Upshur County

4-26-1979 ⁸⁸⁻²³²³/₁₁₁₉

\$150 ⁰⁰/₁₀₀

One Hundred Fifty and No/100

DOLLARS

BY ENDORSEMENT THIS CHECK WHEN PAID IS ACCEPTED IN FULL PAYMENT OF THE FOLLOWING ACCOUNT

XXXXXXXXXX			

LAWYERS TITLE AGENCY OF GREGG CO.

Elizabeth Barlow

9:111923238: #02 0629 61

